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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,619	01/04/2002	Donald J. Spencer	12868-009001	2512
26181	7590	01/26/2005	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402			WOOD, WILLIAM H	
			ART UNIT	PAPER NUMBER
			2124	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/039,619

Applicant(s)

SPENCER ET AL.

Examiner

William H. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-40 are pending and have been examined.

Drawings

1. The drawings submitted were approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-8, 10, 13, 15-19, 22 and 24-40 are rejected under 35 U.S.C. 102(b) as being anticipated by **Pashupathy** et al. (USPN 6,078,951).

Claim 1

Pashupathy disclosed a method for updating a configuration of a device, comprising:

obtaining an indication of an intended action to be performed by the device

(column 1, lines 66-67; column 6, lines 35-41);

preparing a configuration list of program components required to perform the intended action based on the intended action and configuration information for the device *(column 1, line 67 to column 2, line 2; column 6, lines 44-50);*

determining for each program component in the configuration list whether the program component is installed on the device *(column 6, lines 42-44);* and

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transferring each required program component that is not installed on the device to the device and installing the program component on the device (*column 2, lines 2-5*).

Claim 2

Pashupathy disclosed the method of claim 1, wherein preparing a configuration list comprises querying one or more databases based on the intended action and configuration information for the device (*column 6, lines 62-67*).

Claim 3

Pashupathy disclosed the method of claim 1, wherein the intended action is to be performed on one or more media files, each media file having an associated file type (*column 6, lines 35-41*).

Claim 4

Pashupathy disclosed the method of claim 3, wherein the device is a media playback device (*column 6, lines 40-41, note sound and visual*).

Claim 5

Pashupathy disclosed the method of claim 3, wherein the action includes one or more of:

playing at least one of the one or more media files, transferring at least one of the one or more media files to another device, transferring at least one of the one or more media files to a tangible medium, transferring at least one of the one or more media files to a network-based store, or configuring the device (*column 7, lines 5-11*).

Claim 7

Pashupathy disclosed the method of claim 1, wherein transferring each required program component comprises:

using a configuration manager located in the device to request each required program component from one or more remote servers and to transfer each requested program component to the device (*column 7, lines 5-11*).

Claim 8

Pashupathy disclosed the method of claim 7, wherein at least two remote servers are hosted by different providers (*figure 3; column 7, lines 5-16*).

Claim 10

Pashupathy disclosed the method of claim 1, wherein the configuration list comprises one or more software components (*column 1, line 66 to column 2, line 5*).

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Claim 13

Pashupathy disclosed the method of claim 1, wherein the device is a pass-through device (*column 2, line 59 to column 3, line 10, computers in networks are pass-through devices*).

Claims 15-19, 22 and 24-28

The limitations of claims 15-19, 22 and 24-28 are substantially the same as method claims 1, 1, 1, 7, 10, 13, 3, 4, 5, 27 and 1 (respectively) and as such are rejected in the same manner.

Claim 29

Pashupathy disclosed the application server of claim 27, further comprising means for storing the configuration list (*inherent that the list is stored in the system in some manner*).

Claim 30

The limitations of claim 30 are substantially the same as method claim 3 and as such are rejected in the same manner.

Claim 31

Pashupathy disclosed the application server of claim 30, further comprising means for obtaining information about the file type (*figure 3*).

Claim 32

Pashupathy disclosed the application server of claim 30, wherein the file type includes one or more of codec type, codec version, digital rights management type, digital rights management version, encoded bit rate and rights associated with the media file (*column 1, lines 16-29; figure 3*).

Claim 33

The limitations of claim 33 are substantially the same as method claims 1 and 2 and as such are rejected in the same manner.

Claim 34

Pashupathy disclosed application server of claim 27, further comprising means for obtaining information about the device (*column 2, lines 2-12*).

Claims 35 and 36

The limitations of claims 35 and 36 are substantially the same as method claims 13 and 4 (respectively) and as such are rejected in the same manner.

Claim 37

Pashupathy disclosed the application server of claim 27, wherein the configuration list includes one or more of the following:

program component name, program component version, registry check key, registry check value, file check location, file check version, file download size, file download URL, and file execution parameters (*figure 3*).

Claim 38

The limitations of claim 38 are substantially the same as method claim 1 and as such are rejected in the same manner. Further, **Pashupathy** disclosed performing the intended action on at least one of the one or more media files using the installed program components (*column 1, lines 64-66, inherent*).

Claim 39

Pashupathy disclosed the method of claim 38, wherein the steps of preparing, determining and transferring are performed without requiring any user interaction with the media device (*column 1, lines 58-60*).

Claim 40

Pashupathy disclosed the method of claim 38, further comprising transferring at least one of the one or more media files to the device (*column 1, lines 16-22*).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Pashupathy et al. (USPN 6,078,951).

Claim 23

Pashupathy did not explicitly state the configuration manager of claim 16, further comprising means for scheduling a configuration update. Official Notice is taken that it was known at the time of invention to implement scheduling of updates. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the requirements based device updating system of **Pashupathy** with scheduling the updates. This implementation would have been obvious because one of ordinary skill in the art would be motivated to use network resources efficiently, for example downloading at particular times and bandwidth and resources dictate.

6. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pashupathy et al. (USPN 6,078,951) in view of **Rowley** (USPN 5,999,740).

Claim 6

Pashupathy disclosed the method of claim 1, further comprising:

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wherein determining whether the program component is installed on the device is performed by a configuration manager located in the device (*column 1, line 66 to column 2, line 8*).

Pashupathy did not explicitly state transferring the configuration list to the device.

Rowley demonstrated that it was known at the time of invention to provide configuration lists remotely to a device (figure 2, element 210; column 1, lines 40-43). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the updating system of **Pashupathy** with remote configuration file access and delivery as found in **Rowley**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a centralized and thus more efficient administrative function (column 2, lines 24-31; column 3, lines 33-36).

Claim 14

Pashupathy did not explicitly state the method of claim 1, further comprising:

transferring a list of program components that are installed on the device to a remote system; and

determining on the remote system whether each program component in the configuration list is installed on the device (*column 5, lines 23-34*).

Rowley demonstrated that it was known at the time of invention to provide configuration lists remotely to a device for remote determination (figure 2, element 209; column 1, lines 40-43). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the updating system of **Pashupathy** with remote configuration

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file access and delivery as found in **Rowley's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a centralized and thus more efficient administrative function (column 2, lines 24-31; column 3, lines 33-36).

7. Claims 9, 11-12 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pashupathy et al.** (USPN 6,078,951) in view of **Leymann et al.** (USPN 6,237,020).

Claim 9

Pashupathy did not explicitly state the method of claim 1, further comprising: repeating the determining and transferring steps after each installation of a program component on the device. **Leymann** demonstrated that it was known at the time of invention to repeat determining and transferring of needed components (column 4, lines 32-38). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the updating system of **Pashupathy** with retrieving all necessary components as identified as found in **Leymann's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide prerequisite software so originally needed software will function correctly (column 4, lines 32-38).

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Claims 11 and 12

Pashupathy did not explicitly state the method of claim 1, wherein the configuration list comprises one or more firmware and hardware components. **Leymann** demonstrated that it was known at the time of invention to provide configuration lists of all needed components, software and hardware (column 11, lines 41-46). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the updating lists of **Pashupathy** with firmware and hardware and software as indicated by **Leymann's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide necessary components to accomplish the needed task or work (column 11, lines 41-46).

Claims 20 and 21

The limitations of claims 20 and 21 are substantially the same as method claims 11 and 12 and as such are rejected in the same manner.

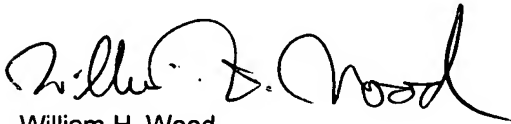
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C rrespond nc Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9306 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood
January 21, 2005



ANIL KHATRI
PRIMARY EXAMINER